fessor Langdell's work by Professor Ames. Two courses in Equity Jurisdiction will hereafter be given by Professor Ames, one open to second and the other to third year students; but for this year these courses will be identical. Professor Strobel takes the place of Professor Ames in the half course on Admiralty, while Mr. Wyman, LL. B. 1900, will conduct the course on Suretyship and Mortgages. Roman Law, the Interpretation of Statutes, and Administrative Law are omitted; as usual in alternate years, the course on the New York Code is replaced by lectures on Massachusetts Practice, given by Mr. E. R. Thayer. Professor Gray and Assistant Professor Westengard again divide the work of Property I. and Property II. Mr. Peabody will continue to assist Professor Beale in Criminal Law, while Professor Williston will be without an assistant in first year Contracts. Professor Strobel will repeat the course, introduced last year, on the Civil Law of Spain and the Spanish Colonies. The lectures on Patent Law, omitted for several years, will be resumed this year by Mr. J. L. Stackpole, LL. B. 1898. The size of the entering class and the total number of students thus far enrolled are both practically the same as last year; the exact figures will be given in the December number.

THE ABSENCE OF JUDICIAL PRECISION. — Whether the decisions in the Insular Cases are considered correct or incorrect, it seems generally admitted that the opinions rendered are deficient in clearness and in precision, elements most essential in cases of such importance. Elaborate discussions and irreconcilable differences upon general principles, and upon fascinating and fundamental problems suggested by equally indiscriminating *dicta* in other cases, complicate, where they do not hide, the points at issue. It is extremely difficult to determine exactly what has been decided; the position of the court in similar cases arising in the future, or still pending, is entirely a matter of conjecture. Perhaps the most striking instance of a decision which, apparently, entirely overlooks a question necessarily involved, is to be found in the case of *Dooley* v. *United States*, 21 Sup. Ct. Rep. 762.

Duties had been collected from the plaintiff on goods imported into Porto Rico from the United States, first, by order of the military authorities before the cession of the island to this country; second, under orders issued by the President after the cession; and third, under an act of Congress passed still later. In deciding the first point the court properly held that the plaintiff could not recover for duties collected by the military authorities; the question of the validity of the duties imposed by act of Congress, raised under the third head, remains to be decided in the suit still pending. As regards the duties collected under the second head, the court, intimating that the orders of the President might be valid in so far as they imposed duties on imports from foreign countries, nevertheless decided that the President had no power to impose duties on goods imported from the United States. It may be difficult to support the distinction drawn; but conceding the correctness of this decision, does it follow that such imports were entitled to entry free of all duty? It must be remembered that the court had just decided, under the first head stated above, that up to the time of the cession imports from the United States were subject to duties under the existing laws as established by the military authorities. Heretofore the rule has been uni-

versally accepted that the laws of a ceded country remain in force until changed by the new sovereign. The orders of the President, being void, could not have repealed the existing laws, and Congress did not attempt to change those laws until later. Under the rule stated, therefore, it would seem that the tariff law existing at the time of cession continued in full force, making imports from the United States subject to duties as before. Without intimating that the rule stated is incorrect, and without indicating any fact showing a change of the law by the United States, it was, nevertheless, assumed that imports into Porto Rico from this country were entitled to entry free of all duties. Obviously the court could have declined to follow the rule stated; it is even possible that some clause in the Constitution might have been interpreted as changing the laws in question. But in passing by both points without consideration, the opinion rendered not only fails to consider the question decisive of the issue, but also leaves it in a state of the utmost confusion. Either the effect of cession on existing laws was entirely overlooked, or the above rule, that existing laws continue until changed by the new sovereign, — a proposition accepted as a necessary principle in every system of law, — has been overruled without the statement of any reason. In either event the absence of judicial precision has resulted in a decision the effects of which cannot be foretold. The minority, to whom one might naturally look for the correction of such errors, does not assist the settlement of these difficulties by the attempt to prove that Porto Rico is a foreign country.

It is still more to be regretted that the defects in the decision under discussion are by no means exceptional. From our system of allowing judges to express opinions upon general principles and of following judicial precedent, two evils almost inevitably result: our books are overcrowded with *dicta*, while *dictum* is frequently taken for decision. Since the questions involved are both fundamental and political, in constitutional cases more than in any others the temptation to digress, necessarily strong, is seldom resisted; at the same time it is strikingly difficult, in these cases, to distinguish between decision, *ratio decidendi*, and *dictum*. Yet because the questions involved are both extensive and political, and because the evils of a *dictum* or of an ill-considered decision are of corresponding importance, a precise analysis, with a thorough consideration of the questions raised, and of those questions only, is imperative. The continued absence of judicial precision may possibly become a matter of political importance; for opinions such as those rendered cannot be allowed a permanent place in our system of government.

A PROBLEM IN RATIFICATION. — In a recent decision of the House of Lords, overruling a judgment of the Court of Appeal, a neat problem is presented, as to the possibility of a ratification, where the quasi-agent does not profess to act as agent. One Roberts entered into a contract with the plaintiffs, intending to act for the defendants, but without being authorized, and without professing so to act. The Court of Appeal held that under such circumstances a ratification was possible, as a logical result of the established doctrines of undisclosed principal and ordinary ratification. *Durant* v. *Roberts*, [1900] 1 Q. B. 629 (C. A.). See 14 HARVARD LAW REVIEW, 153. It was said that as ratification was equiv-